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2 **UNITED STATES DISTRICT COURT FOR**
3 **THE DISTRICT OF MASSACHUSETTS**

CLERK'S OFFICE

2004 JAN 20 P 4:4b

4 DIANNE MARLON,)
5 Plaintiff,) U.S. DISTRICT COURT
6 vs.) DISTRICT OF MASS.
7 WESTERN NEW ENGLAND COLLEGE,)
8 Defendant)
9

10 **APPLICATION TO PROCEED**
11 **WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT**
12 **FOR APPEAL**

13 I Dianne Marlon declare that I am the Plaintiff in the
14 above-entitled proceeding; that in support of my request to
15 proceed without prepayment of fees or costs under 28 USC §1915 I
16 declare that I am unable to pay the costs of these proceedings
17 and that I am entitled to the relief sought in the Motion.

18 In Support of this application, I answer the following
19 questions under penalty of perjury:

21 1. Are you currently incarcerated? No.

22 2. Are you currently employed? No.

23 Last employment was from March to August 2003. The
24 bi-monthly take home pay was \$1,489. The employer was Hale,
25 Lane, Peek, Dennison, Howard, & Anderson located at 2300 W.
26 Sahara #800, Las Vegas, Nevada 89102.

1 3. In the past 12 twelve months have you received any
2 money from any of the following sources?

- 3 a. Business, profession or other self-employment: No
4
5 b. Rent payments, interest or dividends: No
6
7 c. Pensions, annuities or life insurance payments:
8 No
9
10 d. Disability or workers compensation payments: No
11
12 e. Gifts or inheritances: No
13
14 f. Any other sources: Yes; An unemployment check of
15 \$317.00 a week, which runs out May 2004.

16 Plaintiff's husband's income of \$2300.00 month.

17 Please see attached Amended Affidavit of
18 Financial Ability.

19 4. Do you have any cash or checking or savings accounts?

20 Yes. The Plaintiff's joint checking with her husband has \$50.00
21 at the present time. Plaintiff does not have a savings account
22 or any cash. Please see attached Amended Affidavit of Financial
23 Ability.

24 5. Do you own any real estate, stocks, bonds, securities,
25 other financial instruments, automobiles, or any other thing of
26 value? Yes; Automobile: Infiniti 1995, valued at \$5,000; House:
27 Valued at \$280,000 with a \$250,000 mortgage; Other: 1998 Honda
28 Cycle Valued at \$5,000 with a \$7,000 loan. Please see attached
 Amended Affidavit of Financial Ability.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support. No, other then the Plaintiff's spouse there are no dependents. Their incomes are used jointly.

I declare under penalty of perjury that the above information is true and correct.

January 15, 2004 Sims Miles
Date Signature of Applicant

Certificate of Service

I, Dianne Marlon, certify that I served the foregoing document on all counsel of record by first class mail, postage prepaid, on January 16, 2004.

Dianne Marlon = Pro Se